

House Bill 33

By: Representatives Davis of the 109<sup>th</sup>, Lunsford of the 110<sup>th</sup>, Bearden of the 68<sup>th</sup>, Lakly of the 72<sup>nd</sup>, Byrd of the 20<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

To amend Article 4 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to metropolitan area planning and development commissions, so as to change the terms and manner of election of at-large members of such commissions; to provide that current at-large members be replaced as of the effective date of this act; to correct cross-references; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 4 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to metropolitan area planning and development commissions, is amended by revising Code Sections 50-8-80, relating to definitions, 50-8-82, relating to population requirements for forming a planning area, 50-8-84, outlining the membership on a commission, and 50-8-85, relating to terms of office of the commission members, as follows:

"50-8-80.

As used in this article, the term:

(1) 'Area' means a standard metropolitan statistical area located wholly within this state as defined by the United States Executive Office of the President, Standard Metropolitan Statistical Area 1967, Part I Criteria, Office of Management and Budget, subject to any changes made by the Board of Community Affairs pursuant to Code Section 50-8-30. No area, county, or municipality may be designated as an 'area' and added to this commission and come under the effective operation of this article without the affirmative vote of such area, county, or municipality or its governing body.

(2) 'Area plan' means a written proposal that involves governmental action, expenditure of public funds, use of public property, or the exercise of franchise rights granted by any public body and which affects the citizens of more than one political subdivision of an area and which may have a substantial effect on the development of an area. Area plans may involve, but shall not be limited to, such matters as land use (not including zoning), water

and sewerage systems, storm drainage systems, parks and open spaces, airports, highways and transit facilities, hospitals, public buildings, and other community facilities and services.

(3) 'Commission' means a metropolitan area planning and development commission created in accordance with Code Section 50-8-82.

(4) 'Development guides' means the comprehensive development guides adopted by a commission in accordance with Code Section 50-8-92.

~~(5) 'District' means a district created pursuant to paragraph (5) of subsection (a) of Code Section 50-8-84.~~

~~(6)~~ 'Governing body' means the board of commissioners of a county or the mayor and city council of a municipality or other legislative body which governs a county or municipality.

~~(7)~~(6) 'Members at large' means those members of a commission elected pursuant to paragraph ~~(6)~~ (3) of subsection (a) of Code Section 50-8-84.

~~(8)~~(7) 'Municipality' means an incorporated municipality of this state lying primarily within the area.

~~(9)~~(8) 'Political subdivision' means a county, ~~or municipality,~~ or consolidated government of this state lying wholly or partially within the area.

~~(10)~~(9) 'Public members' means those members of a commission holding office pursuant to paragraphs (1) ~~through (5)~~ and (2) of subsection (a) of Code Section 50-8-84.

~~(11) 'Redistricting' means a redistricting of an area after publication of a United States decennial census in accordance with paragraph (5) of subsection (a) of Code Section 50-8-84."~~

"50-8-82.

There is created a metropolitan area planning and development commission in each area of this state having a population of more than 1,000,000 according to the United States decennial census of 1970 or any future such census. The chairman of the county commission or consolidated government of the most populous county in an area so having a population of more than 1,000,000 shall, within ten days after July 1, 1971, or within 30 days after the publication of the first United States decennial census which reports that an area has a population of more than 1,000,000, as the case may be, activate the commission to serve that area by convening a meeting of the members provided for by paragraphs (1) ~~through (4)~~ and (2) of subsection (a) of Code Section 50-8-84."

1 "50-8-84.

2 (a) The members of a commission ~~for an area~~ shall ~~be~~ consist of three members from each  
3 county that is within the area as follows:

4 (1) The chairman of the board of commissioners of each county or consolidated  
5 government within the area;

6 (2) ~~The mayor of the most populous municipality within the area;~~

7 (3) From each county within the area, ~~except the most populous county within the area,~~ the  
8 mayor of a municipality within such county, to be designated by majority vote of the  
9 mayors ~~(except the mayor of the most populous municipality within the area)~~ of all  
10 municipalities lying within such county, provided that if the mayors of the municipalities  
11 eligible to vote on such matter fail to designate one of their number within 45 days after  
12 a vacancy exists, one of their number shall be selected by a majority vote of the county  
13 commission of the applicable county; and

14 (4) ~~From the most populous county within the area, the mayor of a municipality located~~  
15 ~~within the northern half of such county elected by majority vote of the mayors of all~~  
16 ~~municipalities located within the northern half of such county and the mayor of a~~  
17 ~~municipality located within the southern half of such county elected by a majority vote of~~  
18 ~~the mayors of all municipalities located within the southern half of such county, provided~~  
19 ~~that if the mayors of the municipalities eligible to vote on such matter fail to designate one~~  
20 ~~of their number within 45 days after a vacancy exists, one of their number shall be selected~~  
21 ~~by a majority vote of the county commission of the most populous county in the area;~~

22 (5) ~~A member of the legislative body of the most populous municipality lying within the~~  
23 ~~area chosen by majority vote of the members of that legislative body; and~~

24 (6)(3) ~~Fifteen at-large~~ At-large members not holding elective or appointed public office  
25 and not employed by any of the political subdivisions of the area, who shall be elected as  
26 follows:

27 (A) ~~Within~~ within ten days after a commission has been activated pursuant to Code  
28 Section 50-8-82, ~~and within 90 days after the publication of a subsequent United States~~  
29 ~~decennial census~~ the members of the General Assembly whose representative or  
30 senatorial districts lie wholly or partially within a county within an area and who also  
31 reside within that county shall meet upon call by the Speaker of the House of  
32 Representatives and the President of the Senate ~~and shall divide the area into 15 districts.~~  
33 ~~Each district shall contain approximately the same population; shall consist of~~  
34 ~~combinations of contiguous census tracts from the latest available United States~~  
35 ~~decennial census; but may cross the boundary lines of political subdivisions; and~~

36 (B) ~~Within ten days after the area has been so divided into districts, the public members~~  
37 ~~of a commission shall meet upon call of the chairman of the county commission of the~~

~~most populous county within its area and elect one resident of each district as a member of the commission. The area shall be divided by county and the legislative delegation of each county shall elect one resident of each county as a member of the commission. No member of the General Assembly shall vote in more than one county delegation for these appointments.~~

~~(b) Any other provision of this article to the contrary notwithstanding, the General Assembly shall be authorized by local Act to remove any county within an area from the provisions of this article upon the recommendation of a majority of the full membership of the board of commissioners of any such county.~~

~~(c) Within 90 days after any area, county, or municipality is added to or removed from the jurisdiction of an existing commission under the provisions of paragraph (1) of Code Section 50-8-80 or subsection (b) of this Code section, the resulting area shall be redistricted and the 15 members at large shall be elected in accordance with paragraph (6) of subsection (a) of this Code section relative to redistricting after a United States decennial census."~~

"50-8-85.

(a) The public members of a commission shall have terms of office concurrent with their respective terms of public office. Members at large of a commission shall serve for a term of ~~four~~ two years, ~~except that one-half (or if an odd number of members at large are elected to a commission, a majority of such members at large) shall serve an initial term (either upon activation of a commission or after a redistricting of a commission) of two years as designated by the public members at the time of election; provided, however, that the terms of all members at large shall terminate at the end of any calendar year during which redistricting of the area has occurred.~~

(b) The full terms of the members at large shall commence on ~~January~~ February 1 of the year following the year in which they are elected ~~except that the first members at large of a newly created commission shall have added to their term the period of time commencing with their election until the first January thereafter. On the effective date of this Code section, the terms of office of all current members at large shall expire and the election of their successors shall be governed by the provisions of this Code section.~~

(c) Any member at large who moves his or her residence outside ~~a district~~ an area shall be removed from office by the commission. A commission may remove from office any member at large who has failed to attend the last three or more consecutive regular meetings of the commission. A member at large may be elected to two or more successive terms on a commission. If a member of the commission dies, resigns, is removed from office, or for any other reason ceases to be a member of the commission, his or her unexpired term shall be filled by the same persons and in the same manner as such member was originally elected to the commission pursuant to Code Section 50-8-84.

1     ~~(d)(1) Except as provided in paragraph (2) of this subsection, upon~~ Upon the expiration of  
2     the term of office of a mayor of a municipality who has been designated by a majority vote  
3     of the mayors of all municipalities lying within a county in an area, the chairman of the board  
4     of commissioners of such county shall call a meeting of the mayors of all municipalities  
5     lying within such county, and such mayors shall designate a mayor from their number as a  
6     successor member of the commission, provided that nothing herein shall prevent an  
7     incumbent mayor who has been elected to another term of public office from being  
8     redesignated as a member of the commission; provided, further, that if the mayors of the  
9     municipalities eligible to vote on such matter fail to designate one of their number as a  
10    successor member within 45 days after a vacancy exists, one of their number shall be  
11    selected by a majority vote of the county commission of the applicable county.

12    ~~(2) Upon the expiration of the term of office of the mayor of a municipality located within~~  
13    ~~the northern half of the most populous county within an area, the chairman of the board of~~  
14    ~~commissioners shall call a meeting of the mayors of all the municipalities located within~~  
15    ~~the northern half of such county and such mayors shall designate a mayor from their~~  
16    ~~number as a successor member of the commission. Upon the expiration of the term of~~  
17    ~~office of the mayor of a municipality located within the southern half of the most populous~~  
18    ~~county within an area, the chairman of the board of commissioners of such county shall call~~  
19    ~~a meeting of the mayors of all municipalities located within the southern half of such~~  
20    ~~county and such mayors shall designate a mayor from their number as a successor member~~  
21    ~~of the commission. Nothing in this paragraph shall prevent an incumbent mayor who has~~  
22    ~~been elected to another term of office as mayor from being redesignated as a member of~~  
23    ~~the commission. In the event the mayors of the municipalities eligible to vote on such~~  
24    ~~matter fail to designate one of their number as a successor member within 45 days after~~  
25    ~~a vacancy exists, one of their number shall be selected by a majority vote of the county~~  
26    ~~commission of the most populous county in the area."~~

## 27                                   **SECTION 2.**

28    This Act shall become effective upon its approval by the Governor or upon its becoming law  
29    without such approval.

## 30                                   **SECTION 3.**

31    All laws and parts of laws in conflict with this Act are repealed.